

REMARKS

Claims 4-35 and 42-45 were pending prior to this amendment. Claims 4-12 were allowed. Claims 13-45 were rejected. Claims 13, 14, 16-21, 24, 25, 27-29, and 32 have been amended. Claims 15, 22, 26, 30, 31 and 43-45 have been cancelled. Applicant requests reconsideration and allowance of the present application.

Request for telephone interview

Attorney Michael Cofield left a voicemail with Examiner Patel on December 27, 2008 to verify that the above claim amendments will be entered as requested below. However, the telephone call was not returned; therefore, the Examiner is requested to call Attorney Michael Cofield upon receiving this amendment if additional changes are required to enter the claim amendments.

Allowed claims 4-12

Applicant acknowledges the allowance of these claims. Regarding the specific reasons for allowance notes in the Examiner's reasons for allowance, Applicant notes that there are other reasons why these allowed claims are novel and non-obvious over the cited art.

Rejected claims 13-45

The examiner rejects claims 13-35 and 43 under 35 U.S.C. § 103(a) as being unpatentable over Billhartz (US 6,986,161) in view of Ammon et al. (US 2003/0217289).

Under MPEP 714.12, amendments "that will place the application in ... condition for allowance" are to be entered. See MPEP 714.12. Here, the features of independent claim 9 were allowed and Applicant asks the Examiner to amend the rejected independent claims 13 and 25 to include the same features from allowed independent claim 9. The amendments to the independent claims 13 and 25 put the application in condition for allowance because these claims now include the same features as the allowed claim 9. Furthermore, these amendments will not require further search because they add features already indicated by the Office Action as being allowable. Thus, the amendments to independent claims 13 and 25 should be entered and those claims be allowed. The clarifying amendments to dependent claims 14, 16-21, 24, 27-29, and 32 also put the application in condition for allowance thus should also be entered. Rejected claims 15, 22, 26, 30, 31 and 43-45 have been cancelled.

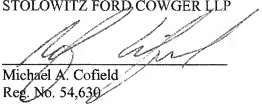
Although there does not appear to be any justification for refusing to enter the above amendments, in the alternative, if the Examiner refuses to enter the claim amendments described above and the Examiner does not believe that an agreement can be reached by telephone for entering a variation of the amendments shown above, Applicant then requests the Examiner to cancel all rejected claims to put the application in a condition for allowance. Applicant requests this alternative only if there is no possible way to enter the above claim amendments without filing an RCE.

Conclusion

For the foregoing reasons, reconsideration and allowance of all pending claims of the application as amended is requested. The Examiner is encouraged to telephone the undersigned at (503) 224-2170 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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